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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1411731

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Sri Lanka's Rehabilitation of the Liberation Tigers of Tamil Eelam

Introduction

Figures vary, but approximately 12,000 former Liberation Tigers of Tamil Eelam (LTTE) members have been 'rehabilitated' since the end of the war and 'reintegrated' back into society. Relative to such numbers little is known of the 'Rehabilitation Programme' beyond the Government of Sri Lanka's (GoSL) own pronouncements. In this report we explore the who, what, when, where and why of the rehabilitation programme: we present fresh testimony from seven different sources, five of who were 'rehabilitated' and a further two who had privileged access to the camps.

The Who, What, When, Where and Why of Rehabilitation:

May 18th 2009 witnessed the comprehensive defeat of the LTTE. The military victory was vaunted as a successful humanitarian operation that had rescued the Tamil people held hostage by the Tigers.

Who?

'Rehabilitation' is for the 'diehard ruthless terrorists' of the LTTE only. It is a programme set out and administered by the victors for the defeated. The Bureau of the Commissioner General of Rehabilitation (BCGR) claims,

> *"a statement and letter of consent were obtained from the surrendered ex-combatants to follow the rehabilitation programme".*

But the vast majority of those put through the programme were neither 'diehard' nor had they volunteered themselves to be rehabilitated. Of TAG's five witnesses who went to rehabilitation only one could be described as hardcore LTTE. Even the GoSL's own classification system notes that 8,000 were either forcibly employed by the LTTE or had not taken any part in LTTE operations but only performed support functions. Those whom the GoSL considers fit for and in need of rehabilitation, from the outset already a broad group, continues to expand, to include students celebrating Maaveerar Naal (Heroes' Day) in November 2012, and potentially outspoken Northern Provincial Council Members.

What?

The legal framework of Rehabilitation in Sri Lanka has been thoroughly criticised in an International Commission of Jurists (ICJ) report that describes the programme as a "*legal black hole*".

The treatment of those forcibly detained in the 'PARC's – Protective Accommodation & Rehabilitation Centres – also amounts to systematic violations of human rights. TAG's seven witnesses detail torture at the hands of Sri Lankan military and civilian personnel, from the moment of surrender.

> *""I was tortured with whatever the officers had at their disposal, wires, batons, their bare hands and feet. Sometimes I was forced to drink, smoke and take drugs.... I was made to swallow cigarette butts, and burnt by cigarettes. On one occasion my head was submerged under a bowl of water."*

The torture came in many forms, beyond pure physical torment. It was in the anticipation of more, in the corrosion of trust through fear.

> *"My detention in various rehabilitation centers completely destroyed my opportunities to cope with the society as a normal person."*

According to Sri Lankan Defence Minister, Gotabaya Rajapaksa,

> *"NGOs, diplomats, media personnel, lawyers and family members of the beneficiaries were given free and unfettered access to the rehabilitation centres".*

TAG's witnesses tell of limited access by INGOs where there was any access at all, and describe how they were prepped and intimidated by the Sri Lankan PARC officials prior to ICRC visits.

> *"Before the ICRC came the commander of the camp had threatened us not to tell the ICRC of any of the torture that had happened"*

The BCGR website is replete with good news stories from the camps, of former LTTE ready to return, trained and counseled to their communities. TAG's witnesses dispute this official account.

> *"Rehabilitation comprised both physical and mental torture. There were some rehabilitation courses available, for example in IT and other vocational training plus some counselling and sport, but these courses were put on only for the benefit of visiting media, and were not available when there was no media presence...."*

When?
Rehabilitation began with the identification and segregation of all LTTE members from the end of the civil war. According to the establishment page of the Bureau's website, of the initially 22 camps, three are still in operation today. The framework within which the GoSL appears to be acting allows it (unlawfully) to detain a person for as long as two years. TAG's five witnesses spent between 15 and 23 months in the camps.

Where?
The BCGR website sets out its 'establishment', that is, the number and the location of the camps, or PARCs. The three centres at Poonthottam (Coordinating Office Vavuniya) and Kankady and Senapura (Coordinating Office East) are still operating. According to TAG's witnesses the conditions in the camps were poor,

> *"Food was insufficient; we ate only twice a day, and there was also a shortage of water. Since there were only 5 or possibly 6 toilets for all of us, there was always a line to use them... Sanitation was poor."*

Security was tight.

> *"Two sets of barbed wire fence circled the camp. There were sentry posts along the fence to ensure there was no chance of escape"*

The camps are thus cut off from the outside community, the 'threat' – as defined by the Sri Lankan state - isolated from wider society, and separated, by a fence, from the Tamil majority lands.

Why?
Brigadier D, Hettiarrachchi, the Rehabilitation Commissioner from the 2nd February 2012 to the 28th June 2013, in a lecture at the 2012 Sri Lankan Defence Seminar, asserted,

> *"Sustainable, social and economic reintegration of ex-combatants was the ultimate objective of the Sri Lankan government on completion of the humanitarian operations in May 2009"*

He described former LTTE as *"potential spoilers of peace"*, and spoke of the need to break militant behaviour. But the testimonies of those who have undergone rehabilitation undermine the official 'mission' and 'vision' of Rehabilitation and support the notion that the programme acts as an intelligence collection platform,

> *"The whole centre was designed in a way to derive information from the detainees through immense psychological pressure"*

But collecting intelligence on the 'LTTE insurgent threat' is just one function of rehabilitation, and it is necessary to be clear about what it is the GoSL understands to be the threat – upon what it is collecting intelligence. As we have seen, those who underwent rehabilitation were not the hard-core cadres, one day's forced service was sufficient to qualify someone as in need of rehabilitation, not even that in the case of the Jaffna students.

Furthermore, the torture in the camps was not solely a method to extract information, it was a punishment calculated to demonstrate to its victims their powerlessness and to terrorise them into submission.

> *"Regardless of my admission they continued to beat me".*
> *"I think the violence stemmed from a hatred of the LTTE and a desire to show who had power."*

Rehabilitation in Sri Lanka is a regime imposed forcibly upon the defeated only. Far from being aimed at hard-core LTTE elements, it targets those with sometimes the barest of LTTE affiliations. For up to 2 years per person, over the past 4 years and 8 months, rehabilitation has isolated former LTTE members (in the broadest sense) from their wider communities, from Tamil majority lands. In its framework in theory and in its execution it amounts to a systemic abuse of human rights.

The Bigger Picture

Post Rehabilitation: The torture and abuse does not cease upon release from the PARCs. Media reports abound of the intimidation of the rehabilitated and their families. The threat of re-arrest is pervasive. TAG's witnesses all spoke of the strict conditions imposed upon release, the curbs on their basic freedoms and the limits to opportunities. Of the five who 'completed' rehabilitation, two were subsequently abducted by State agents, interrogated and tortured.

Wider GoSL Policies: State policies and actions, directed at the wider Tamil community, compliment and held shed light upon the State's conduct with regards Rehabilitation. These include, the repression of a free press, and Land Grabs,

> *"Systematic state-funded colonisation of the Sinhalese of the South is changing the demography of the Tamil areas so that in course of time the Tamil community will become a minority in their homeland,"*

Historical Backdrop: The abuses committed in Rehabilitation since the war are a continuation of past crimes and policies. With regards to abuses committed in the PARCs state officials are protected from the courts by regulations in the Emergency Regulations 2005 and within the Prevention of Terrorism Act.

The Nature of the Sri Lankan State: In the UK Country Guidance Asylum Case, "GJ', the Tribunal recognised,

> *"President Rajapaksa has stated that these areas should not now be described as "Tamil areas": the government's intention appears to be to dilute the Tamil population of those areas by Sinhalisation"*

Cognisant of the nature of the Sri Lankan state, and having assembled together the jigsaw of past and present state policies towards the Tamil people, Rehabilitation is revealed as part and parcel of a systematic plan that targets the Tamil people on the basis of their ethnicity. The abuses in the Rehabilitation camps are not accidental.

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Human rights situations that require the Council's attention

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Situation of the Rohingya in Myanmar

At the time when Myanmar is coming out from fifty years of isolation and military rule, the rise of anti-Muslim ideology and violence against the Rohingya Muslim minority is threatening to derail the democratization process and the stability of the same country.

Society for threatened Peoples is deeply concerned about the treatment of the Rohingya Muslim minority in Myanmar's internally displaced camps and about the rise and spread of religious hatred feelings across the country. So far, the government of Myanmar has turned a blind eye on the plight of the Rohingya and rather than intervene and foster a reconciliation process between Buddhists and Muslims it has tolerated and encouraged discrimination and religious fundamentalism.

In Myanmar, the 969 Movement led by the nationalist monk U. Wirathu is playing a major role in inciting hate and widespread Buddhist anxieties about Muslims, who only make up for 4 per cent of the country's population. Wirathu and the 969 Movement are inciting violence not only with fiery sermons but also by using a systematically discriminate against Muslims: stickers with the 969 logo are worn by supporters or posted on Buddhist-owned shops to encourage Buddhists to conduct business only with other Buddhists. Audio recordings with the voice of Wirathu are played in restaurant and shops all across the country and social media such as facebook and twitter are used to spread hate rhetoric worldwide. Those who buy, speak, befriend or love a Muslim are condemned by the 969 Movement for not having defended their religion against the "imminent" Muslim invasion. The 969 Movement respects the teaching of "ahimsa", non violence, but believes also that brutality against Muslim people is an act of self-defense and, if it is perpetrated with the pure thoughts of defending Buddhism, helps people to gain karmic merit.

The 969 Movement's demonstrations against the Rohingya and Muslims in general were soon followed by violence against the Rohingya. The undeniable link between the two is not acknowledged by the Government of Myanmar which in opposite to its regular behaviour of committing censorship tolerates and downplays the dangerous activities of the 969 movement and its leader, Wirathu. The lack of measures against the spread of religious hate-speech and the unwillingness to promote reconciliation between Buddhists and Muslims result in chaos instead of peace and are endangering the stability of the country as well as its credibility with regards to matters of human rights. The demonization of the Rohingya and Muslims in general leads to sectarian violence and persecution in Myanmar and is spreading also in the neighbouring countries, where extremist Buddhism groups are emerging.

The violence that has erupted since June 2012 in the Rakhine State has forced up to 60,000 Rohingya to flee the country and has displaced more than 145,000 to internally displaced camps.

The displaced Rohingya are living in registered and unregistered IDP camps or camp- like settings across Rakhine State. The living conditions in IDP camps are seriously compromised by a lack of food. People living in registered camps receive small rations of oil, rice, salt and chickpeas, which are enough for just one meal a day. At least registered IDPs who live in government-run camps, receive aid and support from national and international non-governmental organizations while people living in unregistered camps receive neither international nor government aid.

Unregistered IDPs survive thanks to the help of other communities such as Muslims from Yangoon and even Buddhists. According to some humanitarian aid organizations the most vulnerable groups in the displaced camps are children under the age of six and pregnant women. Malnutrition has led to a serious number of diseases and early deaths among them.

The lack of food is accompanied by a lack of water and proper shelters. During the dry season which runs from November to May, access to clear water is hard to come by for the displaced who living in the camps. Water shortage can lead to cases of acute watery diarrhoea and dysentery while drinking contaminated water from the rain collections ponds can cause skin infections, diseases of the alimentary system and hepatitis A.

However, during the rainy season the excess of water causes even more problems, since most of the IDP camps are located on dry paddy fields or in areas that will flood when the Burma's monsoon season begins. The longhouses built by the government in the registered IDP camps have no chance to survive the fury of the rains as much as those made with mud, bamboo thatch, iron sheets, reeds and torn tarpaulin.

Beyond malnutrition, diseases and precarious living conditions, the Rohingya are also dealing with severe restriction imposed by the Government of Myanmar which in introduced a Citizenship law denying to Rohingya a legal status. The lack of citizenship fundamentally affects the lives of the Rohingya: they cannot move freely and they have no rights. Rohingya IDPs are not allowed to leave the camps; they cannot go to hospitals or buy food and medicaments from the nearest market. Some of the Rohingya who were forcefully moved in camps for security reasons are now locked in; they are not allowed to go back to their properties. What at first was considered as an interi· ı situation is now becoming a permanent one. The Rohingya are segregated and isolated from the rest of the country. The police who was appointed to guarantee security is in reality just guarding them. Once in an IDP camp the chance to go out are minimal, the Rohingya can rely only on corrupted police which, under the payment of a bribe let them out of the camps for a short time.

The government of Myanmar allows only a few international aid agencies to work in the displaced camps. These are providing medical assistance, schooling programme and professional training to the IDP. Despite the great efforts, aid workers have reported enormous difficulties in distributing help to the Rohingya because they face continued hostility from the local population. Many Rakhine have accused the ngos of bias because they are focusing on the needs of the Rohingya.

Security is another big issue inside camps. The police who is supposed to grant safety is taking big advantages on the Rohingya plight. They are not only asking money in return of favours but they are also mistreating physically and psychologically the IDP. It is not a secret, according to reports and press agencies, that the police and the army were involved in the destruction and fire of Rohingya's villages and that they did not intervene to stop the violence.

In this context, Society for Threatened Peoples calls on the Human Rights Council to urge the government of Myanmar to:

- End immediately human rights violations and resolve the grievous situation of Muslim minorities in the country with particular emphasis on the Rohingya religious community.
- Revise legislation as necessary, in particular laws that discriminate against particular groups.
- Redraft the 1982 Citizenship Law and ensure that state policies regarding children, women and family reflect Myanmar's international obligations.
- Lead a public information campaign promoting tolerance and religious non-discrimination.
- Condemn and dispel hate speeches and propagandas against all ethnic and religious groups.
- Fully, impartially and fairly investigate and persecute those responsible for serious abuses and human rights violations against the Rohingya.
- Take action against the 969 movement and other organizations that may be implicated in anti-Muslim violence.
- Allow the access of UN agencies and international and national organizations to all those in need, with special focus to internally displaced person camps.